

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

Robert Updegrove, and Loudoun Multi-Images LLC d/b/a Bob Updegrove Photography,

Plaintiffs,

v.

Mark R. Herring, in his official capacity as Virginia Attorney General; and **R. Thomas Payne, II**, in his official capacity as Director of the Virginia Division of Human Rights and Fair Housing,

Defendants.

Case No. _____

**Declaration of Robert Updegrove in
Support of Plaintiffs' Preliminary
Injunction Motion**

I, Robert (Bob) Updegrove, declare as follows:

1. I am over the age of eighteen and competent to testify, and I make this declaration based on my personal knowledge.
2. In 1990, I launched my photography company Loudoun Multi-Images as a sole proprietorship.
3. I was the sole owner and employed photographer for Loudoun Multi-Images.
4. Loudoun Multi-Images mainly offered multi-images services, such as slide shows synchronized to audio, on a commission basis.
5. I later decided to organize Loudoun Multi-Images as a limited liability company to gain the benefits of a limited liability company form.
6. In July 2017, I organized my company under the name Loudoun Multi-Images LLC and filed its Articles of Organization.

7. A true and correct screenshot of Loudoun Multi-Images LLC's registration status with the Virginia State Corporation Commission is in the Appendix at page 1.
8. I am the sole owner, member, and employee of Loudoun Multi-Images LLC.
9. Loudoun Multi-Images LLC is a for-profit company doing business as Bob Updegrove Photography.¹
10. Bob Updegrove Photography has its principal place of businesses located in Leesburg, Virginia.
11. Bob Updegrove Photography has adopted an Operating Agreement.
12. A true and correct copy of Bob Updegrove Photography's Operating Agreement is in the Appendix at pages 2–14.
13. I created a website for Bob Updegrove Photography to promote my photography, my artistic style, and my religious beliefs to the public and prospective clients.
14. Bob Updegrove Photography's website has sections labeled "Home," "Weddings," "People," "Places," and "Info."
15. True and correct screenshots of portions of the "Home," "Weddings," "People," "Places," and "Info," from Bob Updegrove Photography are in the Appendix at pages 15–34.
16. Bob Updegrove Photography's website is viewable here:
<https://www.bobupdegrove.com/>.
17. I also created a blog for Bob Updegrove Photography to promote my photography and artistic style, as well as my views on faith, politics, and photography to the public and prospective clients.

¹ Unless context requires otherwise, the writer refers to Loudoun Multi-Images LLC as Bob Updegrove Photography throughout this Declaration.

18. Bob Updegrove Photography's blog is viewable here:

<https://bobupdegrove.blogspot.com/>.

19. I no longer create posts on my blog, but my blog remains accessible to the public to showcase my photography and to communicate my artistic style and personal views.

20. True and correct screenshots of relevant portions of Bob Updegrove Photography's blog are in the Appendix at pages 35–47.

21. I created all written content on Bob Updegrove Photography's website and blog.

22. I created and edited every photograph published on Bob Updegrove Photography's blog.

23. I created and edited nearly every photograph on Bob Updegrove Photography's website.

24. Relevant to this Declaration, I created and edited every photograph of an engagement or wedding on Bob Updegrove Photography's website.

I became interested in photography as a tool for ministry and as a way to express my creativity.

25. I am a Christian.

26. I believe in the Gospel—i.e., that God created humankind, that humankind sinned against God, that humankind needs forgiveness to be reconciled to God, and that forgiveness and redemption is available through all who accept and believe in God's son, Jesus. Genesis 1:27; John 3:16; Romans 6:23.

27. I became a Christian in high school through an organization called Campus Life, which focuses on youth ministry.

28. After high school, I attended college in Springfield, Ohio.

29. During college, I bought my first camera and began photographing as a hobby.

30. After college, I moved to Oregon to be closer to my brother.

31. While I was in Oregon, I learned that Campus Life had an active ministry in the area.

32. I became a volunteer for Campus Life.
33. Shortly after I began to volunteer, Campus Life hired me to work full time.
34. As a Campus Life staff member, I was responsible for organizing events at different high schools.
35. Around that time, I saw a nine-projector slide show that inspired me to create similar photography for the students I worked with.
36. I started photographing Campus Life and other school events and interviewing students to create slide shows overlaid with audio.
37. The school presented the slide shows at banquets and year-end assemblies for the students.
38. I enjoyed creating the slide shows because it gave me a way to connect with the youth.
39. Photography gave me a reason to interact with students, to get to know them, and to talk to them about sports, classes, their struggles, and life in general.
40. In 1984, I moved back to Northern Virginia and began working in real estate.
41. While working in real estate, I still created photography as a way to express my creativity and to continue working with youth.
42. One of the ways I did this was by creating photography for Loudoun County High School.
43. Similar to what I previously did with Campus Life, I photographed different student events, interviewed students, crafted narratives, and created slide shows with audio.
44. The school presented the slide shows at sports banquets and school assemblies.
45. I gradually began creating photography for several high schools and elementary schools.

46. People in and around Loudoun county began to recognize me because of my photography work for the schools.

47. Parents of students also began to request photography services for different companies they worked for.

48. Around 1990, I gave up real estate and created Bob Updegrove Photography to focus on photography full time.

49. While I expanded my business to creating photographs for schools, businesses, non-profits, and other organizations, I still saw my photography as being primarily a tool for ministry.

50. By that I mean, I saw my photography as a means to spread the good news about God and what God is doing in the world.

51. I believe that God desires that everyone should know the truth of the Gospel and come to Him. 1 Timothy 2:4.

52. I believe that God calls all Christians to serve as witnesses and promote the salvation that God offers humankind through Jesus Christ. Matthew 28:18–20.

53. I also believe that God created the world from nothing, and that God's creation reflects His beauty, majesty, and artistry. Genesis 1:31; Psalm 19:1.

54. I believe that God created humans to work, that our work reflects God's work in creation, and that Christians must honor God in their work. Genesis 1:26–28; Genesis 2:15; Psalm 115; Proverbs 16:9; Colossians 3:17; Colossians 3:23–24; 1 Corinthians 10:31.

55. I believe that God gives people gifts and passions and calls them to steward these gifts and passions in a way that glorifies and honors Him, including by promoting the Gospel. Matthew 28:16–20; 1 Peter 4:10–11.

56. I specifically believe that God calls and equips some people to create artistic and aesthetically pleasing artwork for their vocations. Genesis 4:2, 20–23; Exodus 31:1–11; Psalm 33:2–3.

57. I believe that God has called and equipped me to use my creative talents to create beautiful artwork that reflects God’s artistry and promotes the Gospel.

58. For these reasons, my Christian faith motivated me to use photography as a ministry.

I create wedding photography to publicly celebrate God’s design for marriage.

59. When I first started Bob Updegrove Photography, I occasionally created wedding photography.

60. After approximately 2000, I began to receive more requests to photograph weddings.

61. Many of these requests came from students I had previously interacted with while photographing school events in the 1980s and 1990s.

62. As these students grew up and became engaged, they began to request photography services for their weddings.

63. Around the same time, digital photography became more affordable and popular.

64. In 2004, I bought my first digital camera; a Nikon D70.

65. Digital technology introduced new innovations to photography, including techniques and tools for creating fully customizable art.

66. I enjoyed learning about the technological features of digital photography in order to create beautiful, customizable art.

67. The technological advancements of digital photography gave me a greater amount of freedom to express my creativity than film photography previously did.

68. For these reasons, I gladly began to create more wedding photography around 2004.

69. I also view wedding photography as another opportunity for ministry.

70. I believe that part of loving God and serving others involves proclaiming the truth about God's design for humanity. Matthew 28:16–20.

71. I believe that promoting these truths means promoting views that are often unpopular or counter-cultural. John 15:18–25; James 4:4, 1 John 2:15–17.

72. These truths include that God designed marriage to be between one man and one woman to point people to the ultimate hope found in Jesus' sacrificial death and covenantal relationship with His church. Genesis 1:27–31, 2:18–24; Matthew 19:3–9; Ephesians 5:22–33; 1 Corinthians 7:10–16.

73. My beliefs about marriage come from my interpretation of the Bible.

74. My beliefs about marriage are also informed by the teachings of my church, Cornerstone Chapel.

75. Cornerstone Chapel's Articles of Faith state that:

We believe that marriage is exclusively the union between one man and one woman in a lifetime commitment to each other (Genesis 2:23–24; Matthew 19:4–6). Marriage reflects the relationship between Christ and the Church and provides for procreation, intimate companionship, and we believe is the only basis for any form of sexual expression (1 Thess. 4:3; Ephesians 5:3). We believe that any intimate sexual activity outside of marriage is a sin and that God disapproves any attempt to alter one's gender by surgery or appearance (Genesis 19:5; Lev. 18:1–30; Romans 1:26–29; 1 Cor. 5:1, 6:9; Hebrews 13:4).

76. Cornerstone Chapel's Articles of Faith are viewable here:

https://cornerstonechapel.net/?page_id=149

77. A true and correct copy of Cornerstone Chapel's Articles of Faith is in the Appendix at pages 48–49.

78. Cornerstone Chapel is affiliated with Calvary Chapel, an association of evangelical churches.

79. Calvary Chapel's Statement of Faith states:

We *believe* that God created human beings, male and female, in His own image. He created them sinless, equal in value, dignity, and worth. According to His purpose and design, God created to fulfill distinct but complementary roles in the contexts of marriage, family, and the local church." [sic] (Genesis 1:26–28, Ephesians 5:22–6:4, 1 Timothy 3:1–7).

80. Calvary Chapel's Statement of Faith is viewable here:

<https://calvarychapel.com/about/statement-of-faith>.

81. A true and correct screenshot of the above statement is in the Appendix at 50–52.

82. Because of my religious beliefs, I desire to create wedding photography (engagements included) that honors and glorifies God by promoting God's design for marriage.

83. Before I agree to create photography for an engagement or a wedding, I try to meet with the prospective clients for a consultation so that I can get to know them, ask them about their upcoming ceremony, and make sure that I feel comfortable fulfilling their request according to my artistic discretion and religious beliefs.

84. To photograph engagement sessions, my starting price is typically \$400, which includes all photography and editing and a one to one-and-a-half-hour engagement session.

85. I charge \$200 for the engagement session if I'm also photographing the couple's wedding.

86. To photograph weddings, my starting price is \$1795 for all photography, editing, professional prints, access to a public and private gallery on Bob Updegrove Photography's website, and at least seven hours of coverage on the wedding day (Package A).

87. In addition to everything listed above, clients can also order a custom-created Bijou album with professional prints (Package B).

88. If I determine that providing the requested photography is consistent with my artistic and religious beliefs, and the prospective client agrees to hire me, it is my policy that clients agree in substance or in writing to the terms listed in Bob Updegrove Photography's sample service agreement form.

89. A true and correct copy of the sample service agreement form for wedding photography is in the Appendix at pages 53–58.

90. I then photograph the client's engagement or wedding.

91. I aspire to create engagement and wedding photography in a photojournalistic style.

92. Photojournalism is a style of photography where a person photographs candid and genuine moments to tell a story.

93. I try to capture as many candid photographs of the couple's engagement session or wedding as possible.

94. I will also choreograph certain classical poses by, for example, instructing the bride and groom and the bridal couple's families on how to pose for photographs after the ceremony.

95. I always arrive early, photograph the entire ceremony, photograph most or all of the reception, and create approximately 1500–2000 raw photographs.

96. After the engagement or wedding, I edit the photographs.

97. Editing involves a two-step process.

98. First, I do a "quick edit" where I review of all the photographs and discard the photographs that are blurry, unflattering, or otherwise do not meet my artistic and moral standards.

99. I also color correct, level, and check exposure for every photograph I take.

100. During the quick edit, I also keep track of photographs that I want to edit further.

101. After I finish the quick edit, I go back to the photographs I previously set aside to create an “enhanced” collection of photographs.

102. These are photographs that capture special moments, represent a variety of scenes from the wedding, and are suitable for more editing to bring out the photograph’s true potential.

103. After I finish editing, I post the photographs on my website.

104. Under the “Weddings” tab, there is a “Sample Galleries” page, a “Portfolio” page, and a “Private Galleries” page.

105. Under the “People” tab, there is an “Engagement Photos” page.

106. For weddings, I create a gallery of approximately 50 to 200 enhanced photographs in the Sample Galleries page about a week after the ceremony.

107. The sample gallery is accessible to anyone in the public.

108. I have created a sample gallery for every wedding I’ve photographed since approximately 2009.

109. I intend to post photographs in the sample gallery on my website for every wedding I photograph in the future since this is part of the services I provide.

110. This gives the bride and groom the ability to share many of the enhanced photographs to friends and family in one easy-to-access location.

111. I then create a private gallery of all the edited photographs, including the enhanced photographs, in the Private Galleries page.

112. Each private gallery is password protected.

113. I give each couple a unique password so they, or anyone they share their password with, can access their gallery at any time.

114. I will also often post some photographs in the Portfolio page.

115. The Portfolio page is a publicly accessible gallery that's representative of my wedding photography as a whole.

116. The Portfolio and Sample Galleries pages allow the public and potential clients to familiarize themselves with my artistic style.

117. For engagement photographs, I create a private gallery in the Engagement Photographs page that contains all of the edited photographs.

118. I give each couple a unique password so they, or anyone they share their password with, can access their gallery at any time.

119. In addition to posting the photographs on my website I deliver a hard copy to my clients.

120. For weddings, I order prints and deliver the prints to the couple, along with a starter book, a thumb drive containing all of the edited photographs, and a custom-created Bijou album (last item for package B only).

121. For engagements, I deliver all of the edited photographs on a thumb drive.

122. Creating wedding photography for clients and posting the photographs on my website are part of how I publicly celebrate God's design for marriage and distinguish Bob Updegrove Photography from other photographers.

123. Other photographers use their online presence to strengthen their brand, to publicly advertise their artistic style, and to publicly share their beliefs. *See* [infra ¶¶ 237–80, 306–29.](#)

124. Creating prints, albums, and galleries on my website allows me to publicly celebrate and associate my company with the couples I photograph, to publicly promote my wedding photography and artistic style, to allow the couple to publicly associate with Bob Updegrove Photography, and to allow the couple to easily publicize and share their wedding photographs with friends and family to a greater audience than they otherwise could.

125. In these ways, I hope to advertise my distinctive approach to photography and to honor and glorify God by promoting God’s design for marriage to my clients, their friends, and the public.

My editorial and artistic judgments are motivated by my faith.

126. I desire to honor and glorify God by creating aesthetically beautiful wedding photography that portrays the love, intimacy, and sacrifice embodied in marriage between one man and one woman.

127. This helps me promote the message that God designed marriage to be a lifelong union between one man and one woman—a relationship that symbolizes and points people to Jesus’ sacrificial and everlasting covenant with His bride, the Church.

128. In this way, my religious motivation to promote God’s design for marriage is inextricably intertwined with my creative and artistic judgment to create aesthetically pleasing artwork.

129. For these reasons, I only offer wedding photography services and accept and fulfill requests for wedding photography services which are consistent with my artistic and religious judgments.

130. I also require complete editorial control over my wedding photography so that I can freely express my creativity according to my religious beliefs.

131. For example, the client contract, *see supra* ¶ 89, states:

- Bob Updegrove Photography shall be granted full artistic license over every aspect of his services, including the poses and content photographed, the locations used, the subsequent edits to all photographs, and the photographs placed on Bob Updegrove Photography’s website.
- The Client understands that Bob Updegrove Photography does not photograph from a “shot list” throughout the wedding day. The hallmark of Bob Updegrove Photography’s photographic approach is non-posed, journalistic coverage of actions in real time.

132. I require full editorial control because, throughout the engagement session or wedding day, I am regularly making artistic and editorial decisions about what and how to photograph and about what to instruct the couple to do so that I can effectively celebrate the couple and to create aesthetically beautiful photographs that communicate the love, intimacy, and sacrifice of God's design for marriage.

133. When I create engagement photography, for example, I sometimes suggest locations for the engagement session, what style or color of clothes the couple should wear, and what time of day to conduct the session to create the most aesthetically appealing photographs.

134. I also advise the couple on where to stand, how to pose, when to hold hands, when to embrace, and when to kiss in order to elicit a romantic moment that reflects the intimacy of marriage as God designed it.

135. I also try to photograph unplanned moments of the couple smiling, looking at each other, or laughing with each other to capture the couple's spontaneous and genuine love for one another, which is symbolic of Jesus' love for the Church.

136. By way of example, I photographed and edited the following engagement session photographs:



137. True and correct copies of the photographs described above, as well as additional engagement photographs I have taken and edited, are in the Appendix at pages 59–65.

138. When I photograph engagement sessions, the photographs I create are materially similar to those photographs cited immediately above.

139. When I create wedding photography, I'm regularly making the same type of artistic and editorial decisions to effectively celebrate the couple and to create aesthetically beautiful photographs that communicate the love, intimacy, and sacrifice of God's design for marriage.

140. For example, I will often suggest that couples have their “first look” before the ceremony because I believe it helps relieve the couple’s anxiety and stress, allows the bride and groom to spend more time with family and friends after the ceremony, and helps me to capture the couple’s genuine emotions and love for each other.

141. I created several blog posts explaining my views on this, including one entitled, “Some Wedding Advice From A Photographer,” where I wrote: “I tend to be a romantic, and to me, if done right, a first look can be much more romantic. I’ve seen more grooms in tears during a first look than I ever have when they see other [sic] the first time walking down the aisle.”

142. The above blog post is viewable here: <https://bobupdegrove.blogspot.com/2012/06/some-wedding-advice-from-photographer.html>.

143. A true and correct copy of the above blog post is in the Appendix at pages 35–36.

144. Another way I utilize my artistic judgment is by strategically timing my movement and placement during the ceremony and throughout the wedding day to maximize my ability to capture important moments, such as the bride walking down the aisle, the officiant delivering the homily, the couple exchanging their vows, the couple kissing before the attendees, the officiant announcing the couple as husband and wife, the couple walking together from the altar, the attendees cheering during the couple’s exit, and other romantic and intimate moments between the couple.

145. By way of example, I created the following photographs:



146. True and correct copies of the photographs described above, as well as additional wedding photographs I have taken and edited, are in the Appendix at pages 66–74.

147. My knowledge of digital cameras also informs my artistic judgment calls.

148. For example, I regularly tinker and experiment with my camera's ISO, aperture, and shutter speed to create photographs in dimly lit settings.

149. ISO refers to the camera's light sensitivity and can be adjusted up or down to control how much light the camera picks up.

150. Aperture refers to the size of the opening in the lens and the amount of light that you allow into a camera.

151. Shutter speed refers to how long the camera is exposed to light to capture an image.

152. By way of example, I created the following photograph at 6400 ISO during a wedding ceremony in a dimly lit church:



153. I wrote about the technical and artistic factors that I considered in creating the above photograph in a blog post that is viewable here:

<https://bobupdegrove.blogspot.com/2013/10/high-iso-low-light-photography.html>.

154. A true and correct copy of the above blog post and photograph are in the Appendix at 37–38.

155. Similarly, I created the following photograph at 6400 ISO in near darkness, while standing approximately 120 feet away from the couple, and I could not see or hear the couple from where I was standing:



156. I wrote about the technical and artistic factors that I considered in creating the above photograph in a blog post that is viewable here:

<https://bobupdegrove.blogspot.com/2012/09/shooting-in-dark.html>.

157. A true and correct copy of the above blog post and photograph is in the Appendix at page 39.

158. Similarly, I created the following photograph in poor weather conditions by adjusting my ISO to 3200:



159. I wrote about the technical and artistic factors that I considered in creating the above photograph in a blog post that is viewable here:

<https://bobupdegrove.blogspot.com/2010/12/you-have-to-love-digital.html>.

160. A true and correct copy of the above blog post and photograph is in the Appendix at pages 40–41.

161. In a blog post entitled “Photography 101: Session 05,” I also explained how my camera’s ISO, aperture, and shutter speed settings influence how I utilize my camera’s flash:

[W]hen it comes to using flash indoors, I always shoot with the camera in manual mode (as opposed to aperture or shutter priority, or auto. Manual mode gives you much more control over the shutter and the aperture. Typically I will set the aperture somewhere between the largest aperture (2.8 on most of my lenses). I want the most light possible to come through the lens. Usually the smallest aperture I will use is 5.6. I’ll opt for 5.6 over the 2.8 when I am shooting group shots or if I have the ISO cranked up.

Shutter speed is where you can really change the affect of flash photography. I will typically shoot with my shutter speed set at around 60 or 90 for my longer lenses, and at about 30 or 60 with my wider angle lenses. The slower your shutter speed, the more

ambient light you are allowing to affect the image; but the slower the shutter speed, the more blur you will get in your image. With flash however, you can freeze movement within that blur.

162. The above post is available here:

<https://bobupdegrove.blogspot.com/2010/04/photography-101-session-05.html>.

163. A true and accurate copy of the above blog post is in the Appendix at pages 42–43.

164. I have created other educational blog posts that similarly explain different technical factors and artistic judgments that I take into consideration when I create wedding photography.

165. True and accurate copies of these posts are in the Appendix at pages 228–234.

166. The techniques described above illustrate just some of the factors and tools I consider as part of my artistic license.

167. Other factors include the focus, depth of field, the photograph's subject matter, ambient light, perspective, composition, camera angles, empty space, and background.

168. When I create wedding photographs, the photographs are materially similar to those described above as well as the wedding photographs that can be seen on my website.

169. After I photograph an engagement or a wedding, I also edit the photographs so that I can effectively celebrate the couple and create aesthetically beautiful photographs that communicate the love, intimacy, and sacrifice of God's design for marriage.

170. Modern photo-editing software like Adobe Photoshop or Adobe Lightroom allow photographers to edit digital photographs the way lab technicians used to edit film photography in a darkroom.

171. In fact, digital editing software allows photographers to do much more than a lab technician could do with film.

172. I wrote about this in a blog entitled, “The Value In A Professional Photographer,” which is viewable here: <https://bobupdegrove.blogspot.com/2009/01/value-in-professional-photographer.html>.

173. A true and accurate copy of the above blog post is in the Appendix at page 44–45.

174. I consider a variety of factors and tools to edit the photographs.

175. For example, I created and edited the following photographs by adjusting the color to cool or warm the image and create different moods:

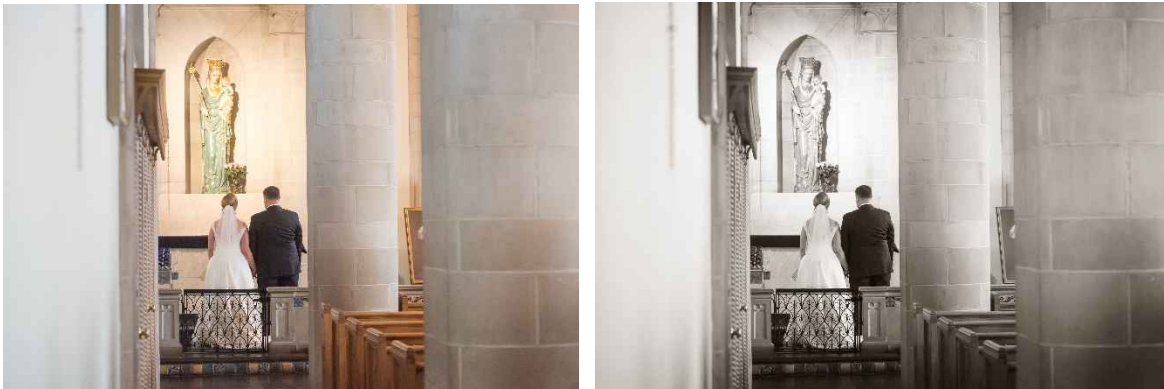




176. I wrote about the above photographs in a blog post entitled, “Digital Photography Sure Can Be Fun,” which is viewable here: <https://bobupdegrove.blogspot.com/2009/04/digital-photography-can-sure-be-fun.html>.

177. A true and accurate copy of the above blog post and photographs are in the Appendix at pages 46–47.

178. I created and edited the photograph below by creating a black and white version to evoke a more dignified feel:



179. I created and edited the photograph below by reducing the noise to remove grain and by creating a black and white version to evoke a more nostalgic mood:



180. I edited the photograph below (original on the left, finished product on the right) by overlaying a textured canvas and lowering the saturation to place the chromatic emphasis on the couple:



181. I edited the photograph below (original on the left, finished product on the right) by slightly cropping the photograph and increasing the vibrance to create a warmer mood:



182. True and accurate copies of the photographs described above are in the Appendix at pages 75–78.

183. The techniques described above illustrate just some of the factors and tools I consider as part of my artistic license.

184. Other factors include adjusting the white balance to alter a photograph's tint; adjusting the exposure, contrast, highlights, and shadows; sharpening the details in the photograph; straightening an image; constraining an image to particular dimensions; or imposing vignettes.

185. At a minimum, I color correct, level, and check exposure for every photograph I edit and deliver to the couple.

186. I use largely the same process and the same artistic judgments described above to edit engagement photographs as well.

187. By utilizing my artistic license in the ways described above, I can create aesthetically beautiful photography that portrays the love, intimacy, and sacrifice embodied in engagements and weddings to effectively promote God's design for marriage to my clients, their friends, and the public.

188. I make most of my editorial decisions without any input from clients, including how to take individual photographs, how to edit individual photographs, and what to include in the galleries on my website.

189. Clients sometimes give me suggestions or general ideas about some of the photographs they want or the types of poses they want depicted.

190. I take these suggestions into consideration, offer my advice, and blend my clients' suggestions into my own aesthetic vision so that the final product effectively celebrates the couple according to my artistic and religious beliefs.

191. But even when my clients make suggestions, they rely heavily on my artistic and editorial judgments about what to photograph, how to photograph in a compelling and appealing way, and how to edit the photographs.

192. Clients typically defer to my suggestions and I always retain ultimate editorial judgment and control over all the photographs I create, and I retain discretion to reject any client suggestion that I think is improper.

I decline to create photographs that violate my beliefs.

193. Just as my Christian faith motivates me to create wedding photography that honors and glorifies God, it also motivates me to not create photography that celebrates or promotes ideas dishonorable to God or contrary to my religious and moral beliefs.

194. For example, I believe that God created humankind in His image, Genesis 1:26–27, so I would not create photography that demeans, ridicules, or belittles others.

195. For example, I believe that religious liberty is a human right, Matthew 22:21, and that a free market and limited government is the best way to promote freedom, Proverbs 6:6–8, 19:17; 2 Corinthians 9:7; 2 Timothy 2:6.

196. Hence, I have created photography promoting these views or promoting organizations that support these views, like the American Foreign Policy Council, Young America's Foundation, the Claremont Institute, the Clare Booth Luce Center for Conservative Women, and the Center for American Liberty.

197. But I would not create photography for organizations that promote the censorship of religious beliefs or socialist policies like the Freedom from Religion Foundation, Americans United for Separation of Church and State, or the Democratic Socialists of America.

198. I would also decline to create wedding photography that celebrates or promotes weddings or engagements that are dishonorable to God or contrary to my religious and moral beliefs.

199. For example, I believe that weddings are meant to be a joyful occasion, so I would decline to create photography portraying marriage in a negative light.

200. For example, I believe that weddings are inherently religious and solemn events that should be revered as initiating an institution created by God, so I would decline to photograph certain themed weddings, like satanic or voodoo-themed weddings, that celebrate sacrilegious ideas.

201. For example, I believe that God created marriage to be a sacred union between one biological man and one biological woman, so I would decline to photograph weddings celebrating polygamous or open-relationships or weddings between individuals of the same-sex.

202. I would decline to photograph weddings celebrating polygamous or open-relationships or weddings between individuals of the same-sex, because I do not want to promote ideas contrary to my beliefs and I do not want to participate in events that violate my beliefs.

203. I believe that all those who attend a wedding necessarily participate in the ceremony by acting as a witness before God and before those assembled as the bride and groom exchange vows, commit their lives to each other, are pronounced man and wife, and share their first kiss as a married couple.

204. I believe that, as a wedding photographer, I necessarily participate in the wedding ceremonies I photograph by personally interacting with the bridal couple, the officiant, family, and friends, by directing members of the wedding party and the bride and groom's family on how to stand, where to position themselves, and what demeanor to display.

205. I believe that, as a wedding photographer, I necessarily express my approval of the wedding ceremonies I photograph by always creating photography that positively portrays the wedding and by appearing joyful and congratulating the couple, their family, and friends on the new marriage.

206. I could not effectively provide wedding photography without positively portraying the marriage and personally participating in the ceremony in the ways described above.

207. My beliefs described above are shaped by my own interpretation of the Bible.

208. My beliefs described above are also shaped by other Christian pastors and leaders.

209. For example, John Piper, a pastor, theologian, and author writes in an article entitled “Would you Attend a Gay Wedding?” that he would not attend a same-sex wedding because the “ceremony will defile the drama of Christ and the church. God designed marriage to display Christ’s covenant to his bride, the church. To celebrate a brideless union as marriage is to distort and deface the parable of the most beautiful act in the world.”

210. The above statement is viewable here: <https://www.desiringgod.org/interviews/would-you-attend-a-gay-wedding>.

211. A true and correct copy of John Piper’s statement is in the Appendix at pages 79–80.

212. For example, Kevin DeYoung, a pastor, theologian, and author, writes in an article entitled “Should I attend a Homosexual Wedding?”:

A wedding ceremony, in the Christian tradition, is first of all a worship service. So if the union being celebrated in the service cannot be biblically sanctioned as an act of worship, we believe the service lends credence to a lie. We cannot in good conscience participate in a service of false worship. I understand that does not sound very nice, but the conclusion follows from the premise, namely, that the “marriage” being celebrated is not in fact a marriage and should not be celebrated.

Moreover, there has long been an understanding that those present at a marriage ceremony are not just casual observers, but they are witnesses who are granting their approval and support for the vows that are to be made...

Quite explicitly, the wedding is not a party for friends and family. It’s not a mere ceremonial formality. It is a divine event in which those gathered celebrate and honor the “solemnization of matrimony.”

213. The above statement is viewable here: <https://www.ligonier.org/learn/articles/should-i-attend-homosexual-wedding/>.

214. A true and correct copy of Kevin DeYoung's statement is in the Appendix at pages 81–82.

215. Because I would decline to celebrate same-sex weddings, I only want to offer wedding photography for weddings between one man and woman.

216. I also want to post a statement on my website explaining that I cannot provide wedding photography services for same-sex weddings.

217. A true and correct copy of my desired statement is attached to the Complaint as Exhibit 2.

218. I also want to adopt an editorial policy as an addendum to Bob Updegrove Photography's Operating Agreement.

219. A true and correct copy of the editorial policy is attached to the Complaint as Exhibit 1.

220. As stated in the editorial policy, the mission of Bob Updegrove Photography is "create unique art, in a photojournalistic fashion, to promote messages consistent with [Bob's] Christian values."

221. I want to adopt this editorial policy as an addendum to Bob Updegrove Photography's operating agreement because it provides a policy that constrains Bob Updegrove Photography's operations and ensures that its work is consistent with my artistic and religious beliefs; specifies the policies and editorial decisions that Bob Updegrove Photography must follow when determining whether to provide requested services; ensures that the policies and editorial decisions indicated in the editorial policy will be applied consistently; and effectively and thoroughly explains my editorial decisions for not creating certain types of photography.

222. I also want to ask prospective clients before or during the initial consultation: “Are you seeking photographs that depict and celebrate a same-sex engagement or wedding?” or something materially similar to this question.

223. After learning about Virginia’s law and the Virginia Attorney General’s intention to prosecute individuals or businesses who decline to celebrate same-sex weddings, I want to ask prospective clients this question to be more vigilante about the photography requests I agree to and because I fear I may receive a request to photograph a wedding I object to, despite my openly expressed Christian beliefs, because of Virginia’s law.

224. I also want to ask prospective clients this question because I want to be transparent and honest with prospective clients, value their time, avoid giving a false impression about the types of services I can and cannot provide, and allow myself to focus my time and resources on providing only those services I am willing to provide.

225. I do not currently do any of the above because I understand that Virginia has a law that prohibits me from doing so.

Other commissioned photographers regularly exercise editorial discretion when they create art.

226. It is standard practice for commissioned photographers to only create content that promotes their editorial and artistic judgment or to decline to create content that violates or compromises their editorial and artistic judgment.

227. Many commissioned photographers also limit their photographs based on their artistic vision and values for subject matter and style.

228. For example, Cristina Mittermeier describes herself as an “adventurer, conservationist, writer and photographer” and explains her photography goals as follows:

I want my images to make people care. I want to move people away from apathy and into action. I want people to be so overwhelmed by emotion that they are inspired to, first of

all, be aware of what impact their choices have on our environment, and then make some changes that are in alignment with sustainability and climate changes solutions. I want my images to communicate a story of hope by capturing a glimpse into the lives of my subjects, whether that be human, animal or environment, and I want my images to present a dignified portrait that emphasizes empathy and our common humanity. I want my images to show people a new way of seeing things and take them to places that they might never get to visit themselves with the aim of highlighting how everything on this planet is connected. If my work can inspire an army of people who care, then I have done my job.

229. The above statement is viewable here: <https://cristinamittermeier.com/faq/>.

230. A true and correct copy of the statement described above is in the Appendix at pages 83–85.

231. As for wedding photographers, the website Engaged Legal Collective contains an article entitled “5 Must-Have Wedding Photography Contract Terms.”

232. “Artistic Discretion” is the second must-have term. The article says this discretion is necessary because:

You’re an **artist**, not a dancing monkey.

You’ve been hired to use **your discretion** to produce images in your own style, with your own eye, and with your own editing techniques.

Make sure you defend your right to take certain photos— and, almost more importantly, the right to *not take certain photos*— by reserving “artistic discretion” and promising “no specific images.” Also reserve the right to edit photographs in the styles you choose, so long as they are reflective of your portfolio as a whole. This way, you won’t have people demanding for “more white in this photo” or “can you make this photo brighter?!”

Semi-related side note: Make sure you’re including a statement about **RAW image files** as well. Tell the couple something along the lines that “under no circumstances shall RAW images be released or delivered to the couple.” Why? It’s like giving someone a painting when the ink isn’t even dry! Don’t feel guilty about protecting your art— and your brand!

233. The above statement is viewable here: <https://blog.engagedlegal.com/blog/wedding-photographer-contract>.

234. A true and correct copy of the statement described above is in the Appendix at pages 86–94.

235. Alina Thomas Photography, a wedding photography business in Northern Virginia, contains the following term in its wedding photography contract: “The Photographer retains the right to edit and release only the images that are deemed professional in quality and within the Photographer’s artistic standards.”

236. The above statement is viewable here: <https://alinathomas.com/wedding-photography-contract-associate-photographer/>.

237. A true and correct copy of the statement described above is in the Appendix at pages 95–99.

238. Brittany Lowe Photography, a wedding photography business based in Richmond, Virginia, describes Brittany Lowe’s photography style as follows:

I use natural lighting (as much as I can!) to create a clean, bright, and airy feel to every photograph I take. Candid, real life moments and emotions are the foundation to building memories. I love capturing the little details as i feel like these are the little things that get forgotten so easily. I love giving my clients the ability to look back at their special day and remember every moment.

I want to create genuine relationships with my clients, so during our time together you can expect us to talk, laugh, and get to know one another. I’m not aiming to take just a few pictures of you, I’m aiming to capture you as you are in that moment and deliver you the story of our time together.

239. The above statement is viewable here: <https://brittanylowephoto.com/about-me#about>.

240. A true and correct copy of the statement described above is in the Appendix at page 100.

241. Wedding photographer Amanda Summerlin describes her editing style as follows:

The image is meant to be a blank slate so that the photographer can have complete artistic freedom. So I take your photos into my secret photography laboratory and I process them. I prefer a classic fine art film look to my wedding photos, so I keep the colors clean and

the skin tones natural. If you have a blemish, my magic wand makes it disappear. If there's a spot on your suit, I use a spot treatment to remove it. If there's a random street sign in an otherwise perfect photo, I chop it out. There's lots of little remodels that I do to make your images just right.

242. Summerlin also responds to the question "Are you willing to accept a list of 'must-have' photos?" as follows:

That's a loaded question, and the answer is, it depends.... [I]f you need to hand me a seven-page list to follow with checkboxes and you'll be crushed if I don't get *every single one*, then I won't be able to make any of the wonderful candid photos that you see in my portfolio for you because I'll have my nose buried in that list all night. This is one of those defining moments where you have to decide if our philosophies match or not.

243. The statements described above are viewable here:

<https://amandasummerlin.com/wedding-photography-fuqs/>.

244. A true and correct copy of the statements described above is in the Appendix at pages 101–109.

245. Wedding photographer Susan Stripling describes her style as "a very journalistic style" and responds to the question "Can you take fewer photos that have dark shadows and bright highlights?" as follows:

If what you're looking for is a more evenly lit style of photography then I might not be the photographer for you. I use a great deal of shadow and light in my natural light images as well as my flash/lit images during the receptions. Please make sure that you look through all of my sample galleries provided when you inquire with me to make sure that the style you see in the galleries reflects the style that you want for your wedding day photography.

246. The above statements are viewable here: <https://www.susanstripling.com/info-faq/wedding-photography/frequent-questions>.

247. A true and correct copy of the statements described above is in the Appendix at pages 110–121.

248. Robert & Kathleen Photographers, a wedding photography business, describe their style as follows on their website:

We bring a Fine Art approach to wedding photography, thinking of each wedding as the opportunity to create custom works of art with the two of you, and the way you feel about each other, in the center of it.

We define our work as clean, elegant and timeless. Our photographic style is reflective of our own personal style where we strive to blend the old with the new to create something fresh yet reminiscent. We use digital cameras alongside medium format and 35mm film cameras in order to capture classically beautiful images that are modern and timeless at the very same time.

We photograph weddings with a photojournalist style, capturing the candid and unexpected moments while also providing gentle direction during portrait times, giving couples a collection of images that truly encompass the raw emotion of a wedding day.

249. The above statement is viewable here: <https://www.robertandkathleen.com/approach>.

250. A true and correct copy of the statement described above is in the Appendix at page 122.

251. But other wedding photographers exercise their editorial and artistic judgment about the types of art they create differently than I do.

252. For example, Creatrix Photography photographed a polygamous engagement and wrote a blog post about the engagement session: “I met these three a few different times, at a couple different expos. I was VERY excited when they finally booked me, because triad weddings are just not common yet. Though, when I say ‘wedding,’ in this case I mean love party. They are going to have one epic shindig, if their engagement session is any testament!”

253. Creatrix Photography’s engagement photographs include the following:



254. Creatrix Photography also photographed a polygamous marriage and wrote a blog post about the wedding and polygamy: “There is no right way to relationship. Polyamory simply isn’t a threat to monogamy. Monogamy is often its own worst enemy, with or without outside influence. Every relationship is different. I’ve seen polyam relationships grow and fizzle just as rapid and often as monogamous relationships.”

255. Creatrix Photography’s wedding photographs include the following:



256. The above statements and photographs are viewable here:

<https://creatrixphotography.com/jolene-stephani-david-austin-polyamory-wedding/>, and here:

<https://creatrixphotography.com/polyamory-wedding/>.

257. True and correct screenshots of the relevant portions of Creatrix Photography’s website, including the above statements and photographs, are in the Appendix at pages 123–135.

258. Wedding photographer Zoe Larkin wrote an article entitled “Open Marriage, Transitioning and Play Parties: One Couple’s Story of Their Thriving Poly Love Life” and photographed engagement photographs of a couple pursuing an open marriage.

259. The above article is viewable here: <https://equallywed.com/open-marriage-transitioning-poly/>.

260. A true and correct copy of Zoe Larkin’s article is in the Appendix at pages 136–146.

261. Several photographers also take photographs of marijuana-themed weddings.

262. For example, the website Love and Marij describes several photographers across the country as “Cannabis Friendly Wedding Photographers.”

263. The above statement is viewable here: <http://loveandmarij.com/vendors/wedding-photo-video-photobooth/>.

264. A true and correct copy of the above statement is in the Appendix at pages 147–149.

265. Wedding photographer Rachel Arttime is listed on Love and Marij’s website and states her cannabis policy is that she is “open to all things cannabis!”

266. Rachel Arttime’s Love and Marij listing includes the following photograph:



267. The above statement and photograph are viewable here:

<https://loveandmarij.com/vendor/rachel-artime-photo/>.

268. True and correct screenshots of Rachel Artime's Love and Marij listing, including the above statement and photograph, are in the Appendix at page 150.

269. Other photographers take photographs of "satanic" and "voodoo" weddings.

270. The website Misfit Weddings posted an article featuring one couple's satanic wedding, where the couple favorably described their photographer Alex Solca, stating: "He did a fantastic job with the photos, and our guests all really liked him too! We met in person to talk about the wedding, and I sent him some inspiration photos of black metal album artwork and noir movie/fashion shots. In addition to weddings, Alex also shoots metal bands so he knew exactly what to do. He brought lights and a fog machine and back drop and really nailed the fantasy shots before the ceremony."

271. The above article includes the following photographs:





272. The above article and photographs are viewable here:

<https://www.misfitwedding.com/blog/ralis-and-katies-satanic-wedding>.

273. True and correct screenshots of the relevant portions of Misfit's Weddings website, including the above statement and photographs, are in the Appendix at pages 151–157.

274. The website for the Washingtonian featured an article on one couple's voodoo-themed wedding reception in an article entitled: "One Part Wedding, Two Parts Halloween, and One Part Viking Funeral," and credited photographer Tony Hitchcock and filmmaker Clara Ritger for capturing photographs and videos celebrating the wedding.

275. The above article includes the following photograph:



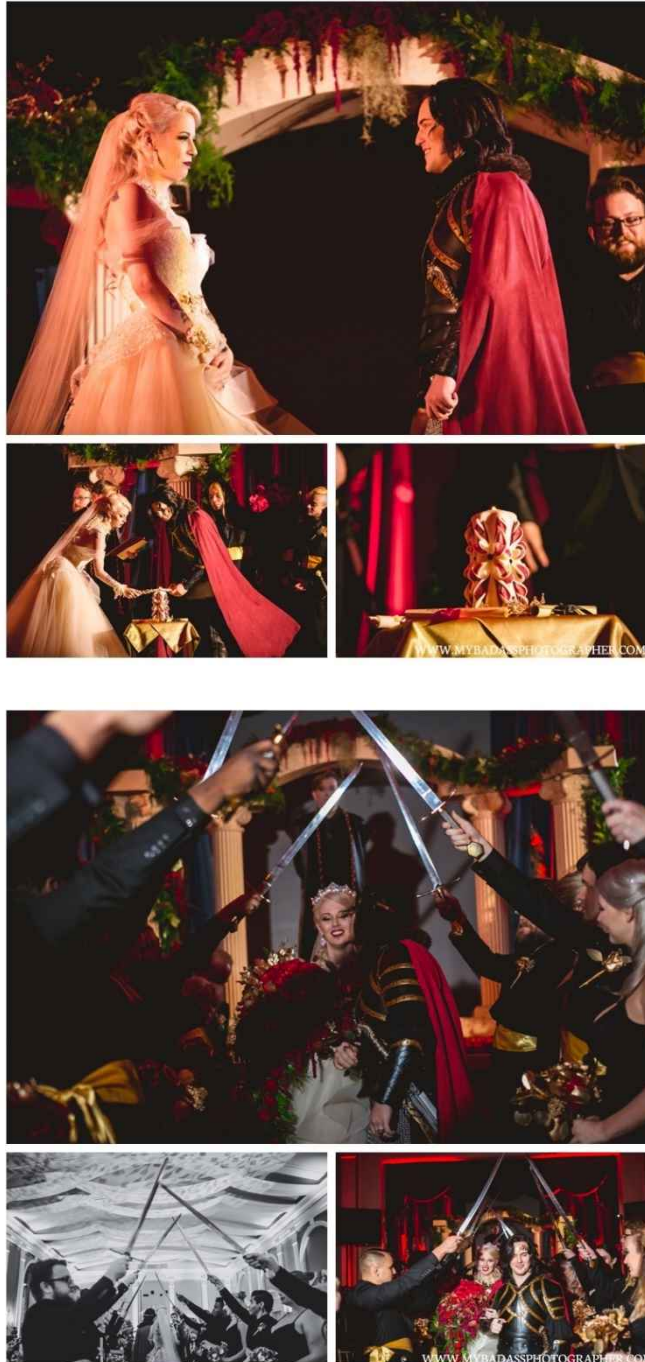
276. The above article and photograph are viewable here:

<https://www.washingtonian.com/2018/10/31/halloween-wedding-reception-congressional-cemetery/>.

277. True and correct screenshots of the relevant portions of the Washingtonian article, including the above photograph, are in the Appendix at pages 158–164.

278. Creatrix Photography also photographed a vampire-themed wedding and wrote a blog post about it entitled “Austin Vampire Wedding.” Creatrix Photography explained that the wedding ceremony took place in “what I called, ‘a room of blood,’ which is fitting for a vampire wedding! The whole mansion was drenched in the color red, creating a surreal experience coming in and out of the room.”

279. Creatrix Photography’s photographs included the following:



280. The above statement and additional photographs are viewable here:

<https://creatrixphotography.com/dailey-logan-austin-vampire-wedding/>.

281. A true and correct screenshot of the relevant portion of Creatrix Photography's website, including the above statement and photographs, are in the Appendix at pages 165–170.

282. I would decline to photograph weddings and receptions similar to those listed above, no matter who requested the photography, because of my religious beliefs that satanic, vampire and voodoo-themed ceremonies are profane and trivialize the sacred nature of the wedding ceremony and I cannot tell stories promoting or celebrating a ceremony contrary to my religious beliefs.

283. I would also decline to photograph a same-sex engagement session or wedding, no matter who requested the photography, because of my religious beliefs that God created marriage to be an exclusive covenant between one man and one woman (Matthew 19:3–9; Hebrews 13:4; 1 Corinthians 6:9–20) and I cannot tell stories promoting or celebrating a ceremony contrary to my religious beliefs.

284. My decision not to photograph weddings like those described above is always because of the message being celebrated, not the status of the client or the couple getting married.

285. I would decline a request to create engagement or wedding photography celebrating ideas that violate my beliefs no matter who asked me.

286. For example, some wedding photographers create photographs of “styled” same-sex engagements and weddings.

287. “Styled” means the event is staged with models often acting as the marrying couple.

288. “Styled” photoshoots are designed to inspire creativity in the photographers who participate, create, and build networks with other photographers and create and build a portfolio.

289. Equally Wed, for example, describes itself as “an international online LGBTQ+ wedding magazine” and lists several posts on “styled” same-sex weddings.

290. The above statement and posts are viewable here: <https://equallywed.com/tag/styled-shoot/>.

291. I would not photograph a “styled” engagement or wedding celebrating a polygamous, open-relationship, or same-sex wedding, even if one or both of the models were heterosexual, because of the message being promoted.

292. Bakerture Photography and Video, a wedding photography studio located in Virginia, photographed an “Exorcist Wedding Styled Shoot.”

293. Bakerture Photography and Video’s styled wedding photographs include the following:



294. The above photographs are viewable here: <https://www.bakerture.com/blog/the-exorcist-wedding-styled-shoot-fredericksburg-photographer>.

295. True and correct copies of Bakerture Photography and Video's photographs are in the Appendix at pages 177–181.

296. I would decline requests to provide photography for a “styled” exorcist-themed wedding because of the message being promoted.

297. But I will create photographs for anyone, so long as the message is consistent with my artistic and religious beliefs.

298. I will, for example, create photographs for gay or lesbian clients, such as LGBT business owners seeking event photography.

299. I will, for example, create photographs for the wedding of one man and one woman if I were hired by the future bride's gay father or by the future groom's lesbian mother.

300. I will also create photographs for a wedding between a homosexual man and a woman so long as the couple intends the marriage to be a lifelong union between that one man and one woman.

301. I will also create photographs for a wedding between a bisexual woman and a man so long as the couple intends the marriage to be a lifelong union between that one man and one woman.

302. As for paragraphs 300 and 301, of adults who identify as gay or lesbian and currently raise children, about 18% have “a different-sex married spouse” according to a report by the Williams Institute.

303. A true and correct excerpt from the relevant portions of the above report are in the Appendix at pages 182–188.

304. Similarly, according to a Gallup report, 13.1% of LGBT persons are married to members of the opposite-sex.

305. A true and correct copy of the above report is in the Appendix at pages 189–194.

Many commissioned photographers and businesses promote same-sex weddings.

306. There are many photographers in or close to Virginia who freely express their beliefs in favor of same-sex marriage by posting statements supporting same-sex marriage, posting photographs of same-sex marriage on their websites and social media sites, posting statements describing the photographers’ beliefs in favor of same-sex engagements and weddings, and acknowledging the photographers’ willingness to photograph same-sex weddings.

307. For example, Shawnee Custalow describes herself as “a queer feminist photographer” and a “Richmond VA, LA, & Worldwide LGBTQ Photographer,” states she “support[s] and appreciate[s] all kinds of relationships and celebrations,” and claims “Feminist weddings” and “Non-gendered wedding parties” make her “ridiculously happy.”

308. The above statements are viewable here: <https://shawneec.com/about>.

309. Shawnee Custalow’s website features photographs of same-sex engagements and weddings viewable here: <https://shawneec.com/engagements> and here: <https://shawneec.com/weddings>.

310. A true and correct copy of the statements and some of the same-sex engagement and wedding photographs described above, are in the Appendix at pages 195–204.

311. Shawnee Custalow’s Instagram also contains the following post:

All this to say, that these terms can be so important and grounding in finding yourself in this huge world and the LGBTQ+ community. We love that there are so many ways to describe ourselves, our identities, and our love, and that it is always evolving for the better ❤️ #lesbianvisibilityday #queerlove #queerweddingphotographer

312. The above post is viewable here: https://www.instagram.com/p/B_dgW7v1An6/.

313. A true and correct screenshot of the post described above is in the Appendix at page 205.

314. Crystal Image Photography photographs weddings in the Virginia, Maryland, Washington D.C., and North Carolina area, has a section of her website devoted to “LGBTQ Weddings,” and states: “Gay, Lesbian, Transgender, Same Sex, Black, White or Straight it doesn’t matter to me what label you want to put on it or simply no label at all. I love being a wedding photographer and in addition I believe in equality for all! So, with that being said if you are looking for a LGBTQ wedding photographer you have come to the right place. I have been photographing same sex marriages for years! In fact my first Lesbian wedding was over 10 years ago before marriage was even legal.”

315. Crystal Image Photography’s website and instagram page also feature photographs of same-sex engagements and weddings viewable here: <https://www.crystalimagephoto.com/lgbt-wedding-planning.html>, and here: <https://www.instagram.com/crystalimage/>.

316. A true and correct copy of the statement and some of the same-sex engagement and wedding photographs described above are in the Appendix at pages 206–207.

317. Aaron Watson Photography photographs weddings and posted a blog entitled “Matt & Greg’s Fall Jewish Wedding | King Family Vineyards” and wrote “We love being same-sex wedding photographers, as we support all love!” and “Aaron Watson Photography is a gay wedding friendly studio, located in Charlottesville, VA. We support all types of marriage, and especially equal rights for our LGBTQ community. If you are looking for same-sex wedding photographers, please be sure to contact us!” The blog post also features same-sex wedding photographs.

318. The above statements and photographs are viewable here: <https://www.aaronwatsonphoto.com/charlottesville-same-sex-wedding-photographers/>.

319. A true and correct screenshot of the relevant portions of the blog and true and correct copies of some of the same-sex wedding photographs described above are in the Appendix at pages 208–212.

320. Jon Fleming photographs weddings in the Washington, D.C., Virginia, and Maryland area and posted a blog entitled “First Same Sex Wedding Ceremonies in the State of Virginia | Virginia Same-Sex Wedding Photographer” where he wrote:

It was an amazing moment today when scrolling through my newsfeed on Facebook just after 10am. I began to see the social media blow up over The US Supreme Courts decision to refuse to hear cases from Oklahoma, Utah, Virginia, Wisconsin and Indiana! With this historical move Same-Sex marriage has been legalized in the State of Virginia where the first marriage ceremonies were performed today!

I was able to stop by The General District Courts in Fairfax, Virginia where the first same-sex ceremony was performed in Fairfax County!

I snapped an iPhone shot of some of the supporters just outside the courthouse! I am so excited to capture the many upcoming same-sex ceremonies and weddings in Virginia! If you know anyone getting married I would love to have the honor of capturing their day!

321. The above blog is viewable here: <https://www.jonflemingphotography.com/blog/same-sex-marriage-legal-in-virginia>.

322. Jon Fleming’s website features same-sex wedding photographs viewable here: <https://www.jonflemingphotography.com/blog/old-house-vineyards-wedding>.

323. A true and correct screenshot of the relevant portions of the blog and true and correct copies of some of the same-sex wedding photographs described above are in the Appendix at pages 213–216.

324. 3 Cats Photo photographs weddings, is based in Charlottesville, Virginia according to its website, and posted a blog entitled “Blue Ridge Mountain Engagement – Same-Sex Wedding Photographer,” and wrote “I hate to distinguish my beautiful couples by terms like ‘Virginia

same-sex wedding photographer’. It feels so debasing. Love is love. Love who you love. I photograph all types of love. Defining it by such narrow language seems so limiting to me and my beautiful couples!’’ The blog post also features same-sex engagement photographs.

325. The above statements and photographs are viewable here:

<https://3catsphoto.com/virginia-same-sex-wedding-photographer-blue-ridge-mountains/>.

326. More of 3 Cats Photo’s same-sex engagement photographs are viewable here:

<https://3catsphoto.com/same-sex-engagement-session-coffee-shop/>.

327. A true and correct screenshot of the relevant portions of the blog and true and correct copies of some of the same-sex engagement photographs described above are in the Appendix at pages 217–221.

328. And there are many other photographers in or close to Virginia who support and celebrate same-sex weddings, as seen on their business and social media sites:

- <https://www.amandamaglione.com/blog/2018/charlottesville-lgbt-wedding-photographer>
- <https://brandontemplarphotography.com/portfolio/lgbtq-engagement-portfolio>
- <http://www.couragecophoto.com/latest-work/2020/2/5/brittany-katie-brandermill-country-club> & <https://www.instagram.com/couragecophoto/>
- <https://davidchampagnephotography.com/category/lgbt-weddings/>
- <https://www.heartofncweddings.com/same-sex-engagement-session-in-downtown-raleigh/>
- <https://weddings.justinhankins.com/portfolio/featured/barn-timber-creek-wedding-sydney-mandy/>

- <https://www.karaleighcreative.com/blog/2018/11/9/west-virginia-wedding-photographer-jq-dickenson-wedding> & <https://www.karaleighcreative.com/about>
- <https://www.meganreiphotography.com/northern-virginia-wedding-photographer> and <https://www.meganreiphotography.com/blog/2019/2/23/manassas-battlefield-winter-engagement-pictures-manassas-va-andrea-and-katie>
- <https://omarzeta.com/contact-wedding-photographer/> & <https://omarzeta.com/portfolio/j-e/> & <https://omarzeta.com/portfolio/r-t/>
- <https://www.rebeccaburtphotography.com/rebecca-burt-photography-blog/2018/5/8/julie-kellys-wedding-the-barns-at-timberneck-surry-va>
- <https://www.romangrigne.com/gay-wedding-photography/>

329. True and correct copies of some of the same-sex engagement and wedding photographs from the websites and social media sites described above are in the Appendix at pages 222–227.

My photography differs from other photographers' work because of my religious beliefs.

330. I take and edit each photograph with the goal of promoting and celebrating marriages between one man and one woman.

331. My artistic and editorial judgments about how to create photographs produces a message promoting and celebrating marriages between a man and a woman.

332. For example, compare my photographs of engagements in the left column below with photographs of same-sex engagements by other photographers in the right column:





333. True and correct copies of my photographs above (left) are in the Appendix at pages 60 and 63–64, and true and correct copies of other photographers' photographs above (right) are in the Appendix at pages 220 and 223–224.

334. For additional comparisons, compare true and correct copies of my photographs in the Appendix at pages 59–65 with true and correct copies of other photographers' photographs in the Appendix at pages 222–224.

335. Also compare my photographs of weddings in the left column below with photographs of same-sex weddings by other photographers in the right column:





336. True and correct copies of my photographs above (left) are in the Appendix at pages 67, 68 and 73, and true and correct copies of other photographers' photographs above (right) are in the Appendix at pages 203, 214, and 226–227.

337. For additional comparisons, compare true and correct copies of my photographs in the Appendix at pages 66–74 with true and correct copies of other photographers' photographs in the Appendix at pages 203–216 and 225–227.

338. I have personally visited and viewed each of the websites referred to in this Declaration on September 26, 2020.

339. None of the statements found on any of the websites referred to in this Declaration were taken from a comment section or other forum for public comment.

340. I have personally viewed every document and other materials referred to in this Declaration and in the Appendix on September 26, 2020.

DECLARATION UNDER PENALTY OF PERJURY

I, BOB UPDEGROVE , a citizen of the United States and a resident of the State of Virginia, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 26 day of SEPTEMBER, 2020, at LEESBURG, Virginia.


BOB UPDEGROVE